



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2002-29**

September 16, 2002

Ms. Joan Qualters
122 Mechanic St.
Winchester, NH 03470

RE: DES Wetlands File #2002-01525 Mechanic St. & Rt 10, Winchester

Dear Ms. Qualters

On July 12, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced properties, more specifically referenced on Town of Winchester Tax Map 30 as Lot 21 owned by Elizabeth Tudryn and Lot 36 owned by Joan Qualters (the "Properties"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiency was documented: Approximately 8200 square feet of fill had been placed in jurisdictional areas on properties owned by Elizabeth A. Tudryn and Joan Qualters.

In response, you are requested to take the following actions:

1. Immediately install erosion controls such as silt fence or staked straw bales in the area on the south side of the property where the fill is eroding into a forested drainage swale.
2. Within 10 days retain the services of a qualified environmental consultant to develop a plan to restore the jurisdictional area.
3. Within 15 days submit documentation to DES that a qualified environmental professional has been retained.
4. Within 45 days submit a restoration plan for approximately 4100 square feet fill in a wetland.

The restoration plan should include:

- a) A plan with dimensions, drawn to scale, indicating:
 - (1) Delineation of the wetland prior to filling
 - (2) Delineation of the existing conditions showing the extent of the dredging and filling.
- b) A plan showing current and proposed topographic elevations including cross sections and a plan for reestablishing the jurisdictional area to its original footprint.

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- c) A proposed means for erosion and sediment controls, such as silt fence, straw bales etc.
- d) A proposed planting plan for the reestablishment of vegetation
- e) A proposed construction sequence listing equipment, and methods for accomplishing restoration no later than November 15, 2002.
- f) A proposed monitoring plan, including at least one restoration progress assessment report after a full growing season.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Arlene Allen, Compliance Specialist
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

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Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,


COPY
Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL 7001 0360 0001 5816 1056

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Mark Harbaugh, DES Enforcement Attorney ✓
Winchester Conservation Commission
Winchester Board of Selectmen
David Killoy, USACOE
Elizabeth Tudryn
Terrance Qualters